

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with M.P. Williams on 8 October 2010.

The application has been amended as follows:

In claim 3, line 1, deleted "2" and inserted --9--.

In claim 5, line 1, deleted "2" and inserted --9--.

In claim 6, line 1, deleted "2" and inserted --9--.

In claim 7, line 1, deleted "2" and inserted --9--.

In claim 8, line 1, deleted "2" and inserted --9--.

In claim 10, line 1, deleted "2" and inserted --9--.

Cancelled Claim 13.

Claim Rejections

2. The claim rejections under 35 USC 102(e) as being anticipated by Yoshimoto et al. for claims 2, 4, 9 and 12 are withdrawn because the claims have been cancelled or amended. The claim rejections under 35 USC 103(a) as being unpatentable over

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Yosimoto et al., Reiser and LaPierre et al. for claims 1 and 13 are withdrawn. The claim rejections under 35 USC 103(a) as being unpatentable over Yosimoto et al. and Reiser for claim 14. The claim rejection under 35 USC 103(a) as being unpatentable over Yosimoto et al. and Izumitani for claim 11 is withdrawn.

Election/Restrictions

3. Claims 1, 3, 5-11, 14 are allowable. Claims 3, 5-8, 10, previously withdrawn from consideration as a result of a restriction requirement, require all the limitations of an allowable claim. Pursuant to the procedures set forth in MPEP § 821.04(a), **the restriction requirement among inventions species, as set forth in the Office action mailed on 3/11/2008, is hereby withdrawn** and claims 3, 5-8, 10 are hereby rejoined and fully examined for patentability under 37 CFR 1.104. In view of the withdrawal of the restriction requirement, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

4. The following is an examiner's statement of reasons for allowance: The closest prior art of record Yoshimoto et al. discloses a fuel cell power plant comprising a

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plurality of fuel cells, a fuel gas supply pipe, a fuel inlet manifold, an inlet fuel gas distributor and a baffle. However Yoshimoto et al. does not disclose a fuel recycle stream for providing recycle fuel from the fuel outlet to the fuel gas inlet manifold downstream of the permeable baffle and the fuel gas inlet manifold includes a surface which is normal to the flow of the fuel through the baffle and the fuel flowing through the baffle impinges on the surface thereby changing the direction of flow of the fuel and causing the flow to become uniform.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARIA J. LAIOS whose telephone number is (571)272-9808. The examiner can normally be reached on 11am-7pm Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dah-Wei Yuan can be reached on 571-272-1295. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. J. L./
Examiner, Art Unit 1727

/Dah-Wei D. Yuan/
Supervisory Patent Examiner, Art Unit 1795